

Message Text

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ACTION L-03

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AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01

COME-00 DLOS-04 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05

FMC-01 TRSE-00 H-02 INR-07 INT-05 JUSE-00 NSAE-00

NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 USIA-06 SAL-01 FEA-01 /126 W
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P R 281104Z FEB 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC PRIORITY 8281

USMISSION EC BRUSSELS

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY OSLO

AMEMBASSY REYKJAVIK

AMEMBASSY ROME

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AMEMBASSY TOKYO

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C O N F I D E N T I A L SECTION 01 OF 03 PARIS 06027

COPENHAGEN PASS REGIONAL FISHERIES ATTACHE

FROM OXMAN

E.O. 11652: GDS

TAGS: PLOS, EEC

SUBJECT: LOS - MEETINGS WITH EC COMMISSION AND

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COUNCIL OFFICIALS

1. SUMMARY: THIS CABLE IS FYI ONLY, AS NEW US LINES OF COMMUNICATION ON LOS SHOULD NOT BE PREJUDICED BY REPORTING VARIANCE WITH VIEWS OF SOME MEMBER STATES. EC OFFICIALS REFLECTING IRRITATION WITH USG OVER 200-MILE FISHING BILL, AND EC OPPOSITION TO US "COMPLETELY FREE MARKET" APPROACH TO DEEP SEABEDS. THESE ATTITUDES MAY WELL BE ACCURATE REFLECTION OF POSITION OF SOME MEMBER STATES AT 26 FEBRUARY MEETING OF EC 9 HEADS OF DELEGATION AND PERM REPS ON LOS IN BRUSSELS. EC ON VERGE OF DECISION TO INTRODUCE COMMON MARKET CLAUSE IN GENERAL ARTICLES (NOT REPEAT NOT JUST FISHING SECTION) OF LOS TREATY, AND TO ASSERT RIGHT TO SIGN LOS CONVENTION IN ADDITION TO MEMBER STATES IN ORDER TO COVER MATTERS THAT ARE WITHIN COMPETENCE OF EC.

2. OXMAN AND MISOFFNEWLIN CALLED AFTERNOON FEB. 26 ON EC COMMISSION DEPUTY DIRECTOR FOR EXTERNAL RELATIONS GALLAGHER, WHO WAS ACCOMPANIED BY SIMONNET AND GROUX OF EXT REL, AND DRIESPRONG OF AGRICULTURE. GALLAGHER NOTED EXTENSIVE CONTACT BETWEEN US AND MEMBER STATES ON LOS, BUT SAID IT WAS NOW NECESSARY TO DEVELOP CLOSER CONSULTATION BETWEEN THE US AND THE COMMUNITY AS WELL. GALLAGHER'S STATEMENTS PROCEEDED ON UNSPOKEN ASSUMPTION THAT EC WILL AGREE BEFORE TOO LONG ON COMMON FISHERIES POLICY THAT WILL (A) PLACE FISHING WITHIN 200-MILE ZONES OF MEMBERS (INCLUDING ACCESS OF THIRD STATES) UNDER EC COMPETENCE, AND (B) GIVE EC COMPETENCE TO NEGOTIATE FOR MEMBER STATE ACCESS TO ECONOMIC ZONES OF THIRD STATES. DEMURRING TO GALLAGHER'S REFERENCE TO "EC FISHING RIGHTS OFF US" AS PERHAPS A BIT STRONG, OXMAN NOTED THAT THERE WAS A SMALL AMOUNT OF ITALIAN AND GERMAN FISHING OFF U.S. AND ASKED WITH WHOM WE MIGHT ULTIMATELY NEGOTIATE. GALLAGHER REPLIED "THE COMMUNITY." FRG AND ITALIAN LOS REPS MADE SAME REMARK THE DAY BEFORE. IT IS NOTABLE THAT EC COMMISSION REPORT OF 18 FEBRUARY TO COUNCIL STATES THE EC FISHING NEGOTIATIONS WITH OTHER STATES "COULD...CONCERN NOT ONLY THE CONCESSION OF RECIPROCAL FISHING RIGHTS AND TRADE CONCESSIONS BUT ALSO ANY OTHER SUBJECT WHICH

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COULD YIELD BALANCED RESULTS."

3. GALLAGHER "ASSUMED" US HAD "NO OBJECTIONS IN PRINCIPLE" TO ADDITION OF EC CLAUSE TO LOS CONVENTION (AND IMPLICITLY EC SIGNATURE). OXMAN DID NOT DISAGREE, BUT PERSONALLY NOTED FOLLOWING DIFFICULTIES WHICH WOULD

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NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 USIA-06 SAL-01 FEA-01 /126 W

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC PRIORITY 8282

USMISSION EC BRUSSELS

INFO AMEMBASSY BONN

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HAVE TO BE WORKED OUT.

A. THE TEXT OF THE EC CLAUSE SHOULD BE WORKED OUT PRIVATELY WITH US IN ADVANCE. JAPAN MIGHT ALSO BE CONSULTED. WE HAD HEARD THAT WORDING UNDER CONSIDERATION BEGAN "NOTHING IN THIS CONVENTION...": SUCH

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WORDING COULD IMPLY AN UNINTENDED LOOPHOLE IN OBLIGATIONS (E.G. FULL UTILIZATION OF FISHERIES). THE CLAUSE WOULD ALSO HAVE TO AVOID NEGATIVE IMPLICATION THAT STATES THAT ARE NOT MEMBERS OF AN ECONOMIC COMMUNITY CANNOT POOL THEIR RIGHTS AND DUTIES IN WHOLE OR IN PART. GALLAGHER AGREED TO CONSULT.

B. WHILE AN EC CLAUSE HAD GENERALLY BEEN TALKED ABOUT IN THE CONTEXT OF FISHERIES, WHAT WERE THE PRECISE IMPLICATIONS OF THE CLAUSE WITH RESPECT TO THE DEEP SEABEDS? PROTECTION FOR INDUSTRIALIZED STATES ON THE ISRA COUNCIL SEEMS AT PRESENT TO BE LIKELY TO BE BASED IN MOST CASES ON NUMBERS, NOT WEIGHTED OR CHAMBER VOTING. THE BALANCE OF THE COUNCIL IN THE FUTURE--AND THE CURRENT TACTICAL POSITION OF THE WEST ON THIS ISSUE IN THE CONFERENCE--COULD BE UNDERCUT BY AN IMPLICATION THAT THE EC WOULD REPRESENT MEMBER STATES IN THE AUTHORITY.

C. US WAS IN PROCESS OF TAKING POLICY DECISION AGAINST SIGNATURE OF THE CONVENTION BY DEPENDENCIES AND LIBERATION MOVEMENTS WHICH HAVE OBSERVER STATUS AT CONFERENCE. WE WOULD LIKE TO BE ASSURED IN ADVANCE THAT MOVE FOR EC SIGNATURE DID NOT UNDERCUT OUR GENERAL POSITION THAT ONLY STATES CAN BECOME PARTIES. WHILE WE OF COURSE RECOGNIZE THE DIFFERENCE BETWEEN THE EC AND THE DEPENDENCIES AND LIBERATION MOVEMENTS, THE TACTICAL PROBLEM IN DEALING WITH THE 77 COULD BE SERIOUS.

D. DID EC SIGNATURE MEAN ALL 9 WOULD HAVE TO AGREE BEFORE ANY MEMBER STATE RATIFIES? GALLAGHER HEDGED. THE TONE OF HIS RESPONSE SEEMED TO BE, LEGALLY PERHAPS NOT, POLITICALLY PROBABLY YES. HE SAID US SHOULD BE REALISTIC: CONVENTION WOULD NOT BE VIABLE WITHOUT THE 9 ANYWAY.

4. GALLAGHER DELIVERED HIMSELF OF A SHARPLY-WORDED REBUKE TO U.S. OVER 200 MILE BILL. WHILE HE RECOGNIZED THE "ORIGINAL" OPPOSITION OF THE ADMINISTRATION TO THE BILL, HE SAID THE COMMUNITY MUST OF COURSE HOLD THE USG RESPONSIBLE FOR THE BEHAVIOUR OF ALL ITS COMPETENT ORGANS. HE NOTED PROTEST OF ONE MEMBER STATE, AND

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IMPLIED MORE MIGHT BE FORTHCOMING. HE EXPRESSED HOPE

THAT BILL WOULD NOT BE REPORTED OUT BY CONGRESS DURING LOS CONFERENCE. GALLAGHER THEN APOLOGIZED FOR PLACING OXMAN IN EMBARRASSING POSITION, SAID HE HAD TO MAKE THE COMMENT, AND DID NOT EXPECT A REPLY. (NOTE: THE STYLE ON THIS POINT HAD THE EARMARKS OF A POSSIBLE EC COMMISSION DECISION TO PROTEST TO US ON ITS OWN.)

5. WHILE GALLAGHER LIMITED DISCUSSION TO ECONOMIC ZONE, WHEN HE SUMMED UP IN END THAT US AND EC HAD NO SERIOUS DIFFERENCES IN CONFERENCE, OXMAN TOOK OCCASION TO REFER TO DEEP SEABEDS. GALLAGHER IMMEDIATELY REPLIED THAT EC WOULD NOT ACCEPT US ATTEMPT TO IMPOSE COMPLETE FREE MARKET APPROACH TO DEEP SEABEDS. IT WAS UNCLEAR WHETHER HE WAS REFERRING TO QUOTA SYSTEM, US UNILATERAL LEGISLATION, OR BOTH.

6. GALLAGHER'S TONE TENDED TO CONFIRM FEARS EXPRESSED BY FRG COMMITTEE L REP (MARTIN) AT PRIVATE LUNCH THAT DESPITE BRITISH SOFTENING ON QUOTA SYSTEM, FRENCH WERE STILL FIGHTING TOUGH AND EFFECTIVE BATTLE IN EC. WHEN MARTIN ALLUDED TO POSSIBLE COMPROMISE LANGUAGE PROHIBITING DOMINANT POSITION, OXMAN NOTED THAT IN TIME LDCS WOULD REGARD EC, IF NOT THE WEST, AS AN ENTITY, AND IT WAS OBVIOUS THAT US, EC, AND JAPAN WOULD HAVE DOMINANT POSITIONS. MARTIN AGREED, BUT SAID HE FELT FRG "COULD NOT REFUSE" IF FRANCE BACKED OFF TO LANGUAGE PROHIBITING MONOPOLIES. MORE SIGNIFICANTLY, MARTIN SAID LATEST FIGURES FROM FRG INDUSTRY INDICATE THAT WHILE UK (ARCHER) ANALYSIS OF AVAILABLE MINE SITES IS FAULTY, THERE WILL IN FACT BE VERY FEW PRIME FIRST GENERATION MINE SITES--ABOUT 30 OR 40. MARY PEOPLE ARGUED THAT LARGE US FIGURES WERE SELF-SERVING TACTIC. FRANCE, THE UK, AND THE FRG WILL MEET AGAIN MARCH 4 ON PROBLEM. WITH RESPECT TO NEW ENGO TEXTS, MARTIN SAID THE INDUSTRIALIZED STATES HAD "NO POSSIBILITY" OF DOING BETTER, AND MIGHT WELL FACE LDC

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC PRIORITY 8283

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RESISTANCE TO SCOPE OF COMPROMISES MADE, ALTHOUGH FOR
ONCE ENGO STUBBORNNESS MIGHT HELP US. PINTO SHOWED
SURPRISE AT THE EXTENT OF LDC CONCESSIONS, WARNED
MARTIN IT WILL BE DIFFICULT TO MAINTAIN THEM, BUT SAID
HE WOULD DO WHAT HE COULD TO HELP. PINTO MAY NOT RPT
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NOT BE ABLE TO ATTEND 77 MEETING IN NEW YORK.

7. AT DINNER WITH DANIEL VIGNES, LEGAL ADVISER TO EC
COUNCIL, TONE WAS MORE RELAXED THAN GALLAGHER'S, BUT
MORE CAUTIOUS ABOUT THE PRECISE SCOPE OF COMMUNITY
COMPETENCE. VIGNES CONFIRMED INTENT TO INTRODUCE EC
CLAUSE IN FINAL ARTICLES, RAISE ISSUE OF EC SIGNATURE,
AND OPEN CONSULTATIONS ON MATTER WITH OTHER DELEGATIONS
AT START OF MARCH SESSION. UNLIKE GALLAGHER, WHO KEPT
ALL OPTIONS OPEN REGARDING IMPLICATIONS OF EC SIGNATURE
FOR DEEP SEABEDS, VIGNES SUGGESTED THAT MOST LIKELY

RESULT WOULD BE THAT EC MIGHT HAVE SAME STATUS IN AUTHORITY AS AT LOS CONFERENCE. WHEN ASKED WHETHER THIS WOULD BE THE SAME LIKELY RESULT IN ICNAF, HE HEDGED, AND SEEMED TO LEAVE DOOR OPEN TO POSSIBLE BROADER EC ROLE. VIGNES AS MUCH AS SAID HE WOULD DISCUSS TEXT OF EC CLAUSE PRIVATELY WITH OXMAN IN ADVANCE TO ENSURE GOOD DRAFTING FROM OUTSET. WHILE VIGNES WAS MOST CAUTIOUS ABOUT PRECISE PARAMETERS OF POSSIBLE EC COMMON FISHERIES POLICY SETTLEMENT WITH UK, ONE POSSIBLE CONCLUSION FROM UNCONNECTED AND CAREFULLY WORDED REMARKS MIGHT BE THAT EC MAY--AS PART OF THE BARGAIN--AGREE TO HARD LINE POSITION WITH ICELAND AND NORWAY ON "EC ACCESS" TO THEIR ZONES, AND THAT IRRITATION OVER PERCEIVED US TILT TOWARD ICELAND IS NOT LIMITED TO THE UK.

8. OXMAN NOTED HIS SURPRISE THAT AN UNLIKELY MEMBER-STATE INTERLOCUTOR (FYI. FRENCH DEPUTY LEGAL ADVISER JEANNEL END FYI) HAD TOLD HIM US SHOULD REGARD EC "AS A STATE" ON MATTERS WITHIN ITS COMPETENCE. VIGNES SAID THERE HAD BEEN REMARKABLE CHANGES IN ATTITUDE TOWARD EC IN LAST 6 MONTHS AS IMPLICATIONS OF LOS DEVELOPMENTS ARE FINALLY CONSIDERED.

9. APPRECIATE EFFORTS USMISSION EC TO ARRANGE MEETINGS. REGRET LACK OF TIME TO COORDINATE THIS REPORT.

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